

**United States District Court
Northern District of New York**

Brenda Lee Depalma,)	Case 5:19-cv-00523-CFH
<i>Plaintiff,</i>)	
)	
vs.)	
)	
Andrew M. Saul,)	
Commissioner of Social Security,)	
<i>Defendant.</i>)	

Consent Order for Payment of Fees under the Equal Access to Justice Act

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees under the Equal Access to Justice Act ("EAJA") (28 U.S.C. § 2412) in the amount of four thousand one hundred eighty dollars (\$4,180.00), consisting of 20.25 hours at a rate of \$206.42/hour.

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to her attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 6 day of November, 2019;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$4,180.00, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.


HON. CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE

The undersigned hereby consent to the form and entry of the within order.

Dated: November 5, 2019

Andrew M. Saul,
Commissioner of Social Security

Brenda Lee Depalma

By His Attorneys,

By Her Attorney,

Grant C. Jaquith,
United States Attorney

/s/ James J. Nagelberg
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Certificate of Service

I certify that I served this document upon counsel of record via the Court's ECF system.

/s/ James J. Nagelberg
James J. Nagelberg
Special Assistant United States Attorney

¹ Signed by Attorney James Nagelberg with Attorney Elizabeth Krupar's permission, provided via email on November 5, 2019.